

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**ALCOA, INC. and ALCOA POWER AND PROPULSION
d/b/a HOWMET CASTINGS & SERVICES, INC.,
a SINGLE EMPLOYER**

and

Case 05-CA-092579

**UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION,
AFL-CIO, CLC**

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-708336 is denied as untimely. Section 11(1) of the Act and Sections 102.31(b) and 102.111 of the Board's Rules and Regulations require that a petition to revoke an investigative subpoena must be filed within 5 days after the date of service of the subpoena. The subpoena here was served on July 1, 2013. Thus, the petition, which was filed July 11, 2013, is untimely.

Moreover, even assuming that the petition was timely filed, it is lacking in merit. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations, and the Employer has failed to establish any other legal basis for revoking the subpoena.² See

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² In considering the petition to revoke, we have evaluated the subpoena as modified by the Region in its opposition brief. Thus, to the extent that subpoena paragraph 3 requests documents concerning Olivier Jarrault, Scott Dietrich, and Kevin O'Brien, the

generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., March 26, 2014.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

Employer is not required to produce that information. In addition, the Region has withdrawn its request for the information sought in subpoena paragraph 14.